

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BARBARA A. DWYER,

Plaintiff

V.

INTEGRATED TECHNOLOGIES, INC.

Defendant

CIVIL ACTION

NO: 02-CV-4353

DEFENDANT’S MOTION TO DISMISS
AMENDED COMPLAINT FOR IMPROPER VENUE

Defendant ITEQ-Integrated Technologies, Inc. (“ITEQ”), improperly named as “Integrated Technologies, Inc.” in the Amended Complaint, hereby moves to dismiss the Amended Complaint for Improper Venue pursuant to 28 U.S.C. § 1406 and 42 U.S.C. § 2000e-5(f). In support of this motion, as set forth more fully in the attached Memorandum of Points and Authorities, Defendant moves to dismiss the Amended Complaint in this case because neither the alleged unlawful employment practices, the relevant employment records, nor the location Plaintiff would have worked but for the alleged unlawful employment practices, is in the Commonwealth of Pennsylvania.¹ In the alternative, Defendant moves to transfer the case to the District of Maryland.

1 On or about September 30, 2002, ITEQ moved to dismiss the Plaintiff's initial complaint for lack of venue. Following a telephone conference convened by Judge Weiner to discuss the motion, Judge Weiner issued an Order dated October 15, 2002 denying the motion without prejudice and granting the Defendant the right to renew the motion at the close of discovery. Subsequent to Judge Weiner's Order, Plaintiff served Defendant with an Amended Complaint. By this motion, Defendant again moves to dismiss for lack of venue in order to preserve its rights in this regard.

WHEREFORE, Defendant respectfully requests that this Court grant its motion and dismiss the Amended Complaint filed in this case.

Respectfully submitted,

BAZELON LESS FELDMAN, P.C.

BY: _____

Paul B. Bech
I.D. No. 59850
1515 Market Street, 7th Floor
Philadelphia, PA 19102

Attorneys for Defendant
Integrated Technologies, Inc.

OF COUNSEL:

Andrew P. Hallowell
PILIERO, MAZZA & PARGAMENT, PLLC
888 17th Street, N.W., Suite 1100
Washington, D.C. 20006
(202) 857-1000

DATED: December 3, 2002